

IN THE UNITED STATES DISTRICT COURT FOR
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD L. MOSHIER JR.,
Plaintiff,

v.

Case No. 05-180 Erie

UNITED STATES FEDERAL
BUREAU OF PRISONS, et al.,
Defendants.

MOTION FOR LEAVE TO SUBMIT REBUTTAL TO
GOVERNMENTS RESPONSE

COMES NOW, Donald L. Moshier Jr., Petitioner, pro-se, to respectfully move this Honorable Court for leave to submit a rebuttal to the Governments response to his Civil Suit filed on June 15, 2004, under the above captioned case. This is the Plaintiff's third request for an extension of time, for the reasons stated below:

On December 23, 2006, I was attacked and stabbed 21 times, and nearly died. I convalesced at Giesinger Hospital in Danville, Penn., from December 23, to January 4th of 2007. On January 24, 2007, I submitted a second motion for an extension of time, also of all transcripts, since originals were lost or misplaced at the prison in my absence. I was transferred to FCI Schuylkill on March 19, 2007. On March 22nd 2007, I had a conference with the Honorable Judge Susan Paradise Baxter, and all parties. The Judge granted me time to produce Discovery by July 31, 2007, and to respond to rebutt Motion 24 due April 10, 2007. Petitioner prays

for the Court's indulgence and patience in this matter for an additional 45 days to prepare my brief.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donald L. Moshier Jr.", written over a horizontal line.

Donald L. Moshier, Jr.,

#10924-052

FCI Schuylkill

P.O. Box 759

Minersville, PA 17954

EXCUSABLE ERROR

Petitioner is a layman at law, therefore, he relies upon **EXCUSABLE ERROR Pro Se**, pleading this court will hold his motions to less stringent standards than formal pleading drafted by lawyers, pursuant to **hains_v._Kerner**, 404 U.S. 519, 92 S. Ct. 954 (1972), cited in **Huges_v._Rowe**, 449 U.S. 5, 101 S. Ct. 173, 176 (1980).

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing Brief to be sent by regular U.S. Mail, this 29, day of March 2007, postage prepaid to: Mary Beth Buchanan, United States Attorney 700 Grant St., Suite 4000, Pittsburgh, PA 15219.



Donald L. Moshier, jr.
#10924-052
FCI Schuylkill
P.O. Box 759
Minersville, PA 17954